

Freedom of Information Act 2000 (Section 51)

Information notice

Date: **18 May 2021**

Public Authority: **Cabinet Office**

Address: **70 Whitehall**
London
SW1A 2AS

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

 (a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-91642-W3P0, for a decision whether a request for information made by the complainant to the Cabinet Office on 22 December 2020, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The Cabinet Office withheld some of the requested information citing section 35 of the FOIA. It also stated that it did not hold some of the requested information. The Commissioner has been asked to investigate whether the Cabinet Office has complied with Part I of the FOIA.
3. The Commissioner wrote to the Cabinet Office on 23 March 2021, setting out the scope of her investigation and the information she required from the Cabinet Office in order to progress the case. The Cabinet Office was asked to respond by 22 April 2021.
4. The Cabinet Office responded on 19 April 2021 to request a further two-week extension – which was granted. On 7 May 2021, the Cabinet Office sought a further week's extension – which, again, was granted. However, no submission had been received by the date of this notice – despite the Commissioner making clear that no further extensions would be granted.

Information required

5. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that the Cabinet Office shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A substantive response to the Commissioner's letter of 23 March 2021 (fresh copy attached).
 - Copies of any and all information that the Cabinet Office wishes to withhold in respect of the original request

Failure to comply

6. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

7. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0870 739 5836
Email: grc@Justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

8. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF